

Sexual Assault Survivors

APRIL 2001

*A COLLABORATIVE EFFORT OF THE
MISSOURI DEPARTMENT OF HEALTH
AND THE
MISSOURI COALITION AGAINST SEXUAL ASSAULT
(MoCASA)*

Written by MoCASA
(Missouri Coalition Against Sexual Assault)

Acknowledgments to:
Illinois Coalition Against Sexual Assault and
Connecticut Sexual Assault Crisis Services, Inc.

Funding for the publication of this booklet provided by:
Missouri Department of Health

PREFACE

Sexual Assault Survivors focuses on women, the most common victims of rape. In this booklet the sexual assault victim is referred to as female and the perpetrator is referred to as male. This terminology reflects the dynamics of the majority of sexual assaults. However, men can also be sexual assault victims and women can be perpetrators. Since the reactions, feelings and needs of all victims are very similar, the information in this booklet is equally relevant and helpful to friends and family of both female and male sexual assault victims.

A LETTER FROM MoCASA

The mission of the Missouri Coalition Against Sexual Assault (MoCASA) is to provide resources to concerned individuals and organizations to promote the social change needed to end sexual violence and to respond effectively to victims, survivors, *and other persons impacted by sexual violence*.

If you or someone you know has been sexually assaulted or sexually abused, this booklet is for you. This booklet is intended to provide you with the necessary information to assist you with decisions you may face. Sexual assault and abuse are serious violent crimes that can traumatize not only victims but also their family and friends. These crimes could happen to anyone. No matter what the circumstances, it is not the fault of the victim.

Anyone who is a victim of sexual assault and abuse has the right to be heard, to be believed and to receive emotional support.

It is important to tell someone about the assault and abuse. This is an initial step toward recovery. Each of us reacts to crisis in our own way; there is no right or wrong way to react. Recovery is a process that is different for everyone. MoCASA recommends talking to professionals who have experience helping sexual assault survivors. Call your local rape crisis center or contact MoCASA for further information.

Sincerely,

Members of the
Missouri Coalition Against Sexual Assault

CONTENTS

INTRODUCTION 7

WHAT IS SEXUAL ASSAULT? 8

SEXUAL ASSAULT FACTS 9

MEDICAL CONCERNS 10

CRIMINAL JUSTICE PROCEDURES 13

PSYCHOLOGICAL AND SOCIAL SUPPORT 17

INFORMATION FOR FAMILY AND FRIENDS 22

WHERE TO GO FOR HELP 24

INTRODUCTION

Sexual assault is one of the most traumatic events that can happen to a person, regardless of age or gender. Although rape and sexual assault are widely portrayed in the media, there are many misconceptions about the issues of sexual assault, and nothing can prepare a victim in advance for the medical, legal, and psychological steps she must undergo in order to once again live a normal life.

This booklet is meant to be given to the victim or those who will be helping her through the process of recovery. It can be a reference guide to the aftermath of sexual assault and to keep on hand as different issues arise. Often a victim and her family are too distressed to remember everything they are told at the hospital, by the police, or by the victim's advocate. We hope that having this book to take with you and read after the initial steps are taken will make recovery easier for victims of sexual assault and their families.

The booklet is divided into five main sections:

- Medical Concerns
- Criminal Justice Procedures
- Psychological and Social Support
- Information for Family and Friends
- Where to Go for Help

WHAT IS SEXUAL ASSAULT?

Sexual assault happens when you are forced into sexual contact against your will. Such force includes physical force, as well as mental and emotional pressure, coercion and manipulation. It may be called by a variety of names including rape, incest, molestation, sexual violence, intimate partner rape, date rape, acquaintance rape or sexual abuse. Sexual assault can happen to anyone, anytime and anywhere. No one is immune. Perpetrators of sexual assault can be anyone: an acquaintance, date, relative, stranger, friend, spouse, etc. Sexual assault is a crime of power, not passion, and is intended to hurt and humiliate the victim.

REMEMBER

1. Sexual assault is a crime, even if:
 - the victim knew the attacker
 - the victim did not fight back
 - the victim previously had sex with the perpetrator
 - the victim was intoxicated or unconscious
 - the victim had consensual sex but was under the age of consent and had an older partner (see laws on statutory rape)
2. Anyone can be a victim of sexual assault.
3. The victim is never to be blamed.
4. The victim has rights.

SEXUAL ASSAULT FACTS

- Sexual assault is a violent crime.
- A rape happens every 1.3 minutes in the U.S.
- One in three females will be sexually assaulted by age 18.
- One in six males will be sexually assaulted by age 18.
- About 80% of all sexual assault victims know the offender.
- In a single year, over 102,000 women in the U.S. report rape to law enforcement officials.
- 84% of rape victims do not report the incident to the police.
- One in six college women is raped.
- 50% of all victims are 12-24 years of age.
- More than 90% of college women who were raped did not tell the police.
- 57% of rapes occur on a date.
- 60% of sexual assaults occur in homes.
- 70% of people with developmental disabilities are sexually assaulted.
- The motivation for rape is power and control, not sexual desire.

Sources:

FBI Uniform Crime Report, 1997

U.S. Department of Justice

National Crime Victimization Survey, 1996

MEDICAL CONCERNS

THE SEXUAL ASSAULT EXAM

Seeking medical care after a sexual assault is important, whether or not you choose to report the crime to the police. A local hospital emergency room can provide immediate medical attention. After a sexual assault, the primary medical concerns are physical injuries, sexually transmitted diseases and pregnancy. At the time of the examination, a sexual assault evidence collection kit (rape kit) may be completed. This evidence can be used to prosecute the person who assaulted you, should you choose to report the incident.

The kit is used to collect specimens and samples of substances from the vagina, rectum, and mouth; combings and samples of hair from the head and pubic area; and scrapings from beneath fingernails. These samples may be used to detect the assailant's sperm, hair, and skin cells and may produce evidence to aid in the apprehension, prosecution and conviction of the offender. Medical personnel may in some cases collect a urine sample if you cannot remember the assault and/or there is reason to believe you might have been given a drug by your assailant prior to the assault. The clothes you were wearing may also be sent to the crime lab and may be kept as evidence.

Photographs may be taken of bruises, cuts, and other injuries that occurred during the assault and may be kept as evidence for your case. DO NOT bathe, douche, or change clothes before the exam. If there was oral contact, do not drink or brush your teeth. This may destroy evidence. If you already have, it is still important to have **prompt** medical care. Remember to bring a change of clothes with you when you go to the emergency room.

SEXUALLY TRANSMITTED DISEASES

Sexually transmitted diseases (STDs) such as syphilis, gonorrhea and herpes can be transmitted during a sexual assault. You

may not know that you have a sexually transmitted disease until several weeks after it has been transmitted. Most hospitals give preventive medicine at the time of the exam. However, if you are concerned about having an STD, discuss this with the doctor. You should receive information on any medication given to you. Make sure you know the name, dosage, purpose, and possible side effects of the drug.

Human Immunodeficiency Virus (HIV) is also a sexually transmitted disease. The fear of contracting HIV, which can eventually lead to Acquired Immune Deficiency Syndrome (AIDS), can be very strong for rape victims. If the suspected perpetrator has been arrested, you may request that he be tested for HIV. If he does not test positive, chances are he is not infected with HIV. If he does test positive, it does not mean that you have contracted the disease during the assault. Your doctor may want you to take a combination of medications that make it less likely for you to become infected.

Regardless of the results of the suspect's test (or if the suspected perpetrator is unknown or cannot be legally required to be tested), your doctor may want you to be tested for HIV three to six months after the assault. This is the amount of time it typically takes for the antibodies of the virus to appear in the body, indicating infection. Remember, in the very unlikely event that you have contracted HIV from the assault, there is much better treatment for HIV today than in the past.

PREGNANCY

There is a chance that pregnancy could result from a sexual assault. While the chances are lessened if you are using birth control, a test for pregnancy is recommended for all women of child-bearing age. You may request a pregnancy test at the time of the exam; however, a pregnancy test will not be accurate until six weeks after your last period. There are preventive pregnancy medications available at most hospitals which can be given at the

time of the exam. To be effective, preventive pregnancy medication must be given within 72 hours of the assault.

Having a late period does not necessarily mean you are pregnant. Stress, tension and worry can cause you to have a late period; this happens to many sexual assault victims. Follow-up testing is the most reliable way to determine whether or not you are pregnant. If these medications are not available or offered to you at the hospital, contact your local rape crisis center at 1-800-656-HOPE for assistance.

WHO PAYS?

The Missouri Department of Health will pay for the forensic medical examination of sexual assault victims, provided they are not covered by private insurance, Medicaid or Medicare. The victim is not required to prosecute in order to qualify for this service, but collection of evidence from the forensic medical examination may help prosecute a case. For questions related to reimbursement contact the Bureau of Family Health at 573/751-6215 (telephone) or 573/526-5347 (fax).

CRIMINAL JUSTICE PROCEDURES

LAW ENFORCEMENT

Sexual assault and sexual abuse are violent crimes. Like all other violent crimes, it is the responsibility of the state to prosecute the offender on your behalf. Seeking police assistance and court action may involve you in a lengthy, complex process, but your determination can reduce the chances that you or other people will be assaulted by the same person.

When you are discussing the attack with the police, deputies, or detectives, do not be afraid to ask questions about any words or procedures that are unclear to you. It is important to write down the names and phone numbers of all people who are working on your case so you can call them if you have further questions.

REPORTING

It is very important to report a sexual assault to law enforcement as soon as possible. The sooner you report the assault, the more likely the success in prosecuting. Reporting does not mean your assailant will be prosecuted, but it is the first step.

In the initial report the officer will want to know a brief summary of the crime: when and where it occurred; your name, age, and address; and a description of the assailant. If later you remember other information, you should call the law enforcement officers. They also may need to contact you again during their investigation. Arrests do not always happen quickly, or at all.

The offender may be released on bond after arrest while awaiting trial. If you are afraid, you should contact a rape crisis center to discuss safety measures.

FILING CHARGES

The law enforcement report and medical report will be sent to the Prosecuting Attorney's office. If the Prosecutor's Office determines there is enough evidence to prosecute, someone may contact you to explain the criminal justice process. If you have not been notified, contact the Prosecutor's Office to ask the status of your case. Sexual assault cases are difficult to prove in court without thorough evidence. If a charge is not filed, you should be given a reason. This does not mean that they do not believe you or think the allegation is false.

If a legal representative of the offender contacts you, call the Prosecuting Attorney's office. You are not required to talk to the offender's defense attorney.

If the case goes through a full trial, it may take a long time - perhaps more than a year. During this period you should be in contact with someone from the Prosecutor's Office. The defendant may also choose to enter a plea of guilty during this period, in which case it will not go to trial.

ARRAIGNMENT

The arraignment is when the defendant appears before the judge and pleads guilty or not guilty to the crime. If the defendant pleads guilty, sentencing will be scheduled for a later date. If the defendant pleads not guilty, legal proceedings will continue.

PRELIMINARY HEARING

The preliminary hearing will take place before a judge. The defense attorney, accused assailant, the prosecutor and any victims or witnesses who have been subpoenaed are present. The victim has the right to be at these hearings. If you are called to testify, the prosecutor will ask that you take the witness chair and, under oath, answer questions. The judge will review the evidence and testimony and decide if the case will be referred to trial. If probable cause is not established, the court then dismisses

the case. This means that all legal action has come to an end at this time. If additional evidence is collected, charges could be refiled.

GRAND JURY HEARING

Some areas in the state require a grand jury hearing, which is held in private before a jury. The defense attorney and the accused rapist do not attend. The jury reviews the evidence and decides if the case will go to trial.

THE TRIAL

In preparation for the trial, it is a good idea to visit a courtroom and to have the prosecutor or victim advocate tell you what to expect.

The trial may be before a judge or before a judge and jury. During the trial, you and other witnesses may be required to testify. In addition, the results of the medical examination and law enforcement investigation may be presented at the trial. The prosecutor presents the case for the State and has the burden of proving beyond a reasonable doubt that the defendant did commit the crime. The defendant does not have to testify.

At the trial, the prosecutor will begin the questioning and you will be asked to give a complete account of the assault. The defense attorney may then question you and try to dispute what you say. The prosecutor should have advised you what to expect.

SENTENCING

A defendant who has been found guilty or has pleaded guilty is sentenced by the judge. The defendant has a right to appeal. Using the state statutes as a guideline, the judge sentences the defendant in a manner appropriate to the crime and other circumstances related to the case. A finding of not guilty cannot be appealed by the state. Remember that a finding of not guilty does not mean that a crime was not committed. It may mean that legal requirements for conviction have not been met.

VICTIMS' RIGHTS

State of Missouri Constitutional and Statutory Rights 1994
595.200 & 595.209 describe the legal rights available to crime victims in Missouri.

These victims' rights include the right to:

- be given information about the crime;
- be informed of the status of the case;
- be informed of the availability of victim compensation assistance, financial assistance, and emergency crisis intervention services;
- be present at all criminal justice proceedings at which the defendant has such right;
- be informed in a timely manner regarding the filing of charges, preliminary hearing dates, trial dates, continuances, and case disposition within five days of the action;
- confer and be informed regarding date, time and location of bail hearings, guilty pleas, sentencing, parole hearings, and probation violation hearings; the victim has the right to be heard at such hearings;
- be informed in advance of any release of the defendant on bond or for any other reason;
- be informed within 24 hours of escape of the defendant from a facility and subsequent recapture of defendant; and
- submit a written statement and/or appear prior to acceptance of plea bargain; and submit a written statement and/or appear at time of sentencing and/or speak at sentencing.

PSYCHOLOGICAL AND SOCIAL SUPPORT

One of the most difficult impacts of a sexual assault is the psychological harm the victim experiences. Common feelings after an assault are: guilt, fear, distrust, loss of self-esteem; feelings of depression, helplessness, hopelessness; sleep disturbances and change in appetite. The victim may experience an interruption in her normal relationships with others (for example, emotional withdrawal, heightened dependency, reluctance to engage in sexual relations with usual partner). Time is a great healer for the person who has been sexually assaulted. Sexual assault victims often find that the recovery process accelerates their personal growth and helps them to cope with issues that were problems before the assault.

There are steps a victim can take to help in the recovery process and make healing more complete.

- **Have a medical examination** to make sure that no lasting physical damage was done and to discuss with medical personnel concerns about pregnancy and sexually transmitted diseases.
- **Report** to law enforcement if this is something she feels comfortable doing in order to increase the chance that the perpetrator will pay the legal penalties for the crime and not assault others.
- **Discuss** the assault and the resulting feelings with close friends, family, a support group or professionals.
- **Call a rape crisis line** where help is available 24 hours a day. This can be done immediately after the assault or at any time in the future. Those who answer the calls are trained to talk to victims in a supportive way and can make referrals to other services when necessary.

- **Go to a rape crisis center** for crisis intervention. Trained staff or volunteers will discuss your options after an assault but will let you make the ultimate decisions about how you will proceed.
- **Go to a shelter** if you are afraid of another assault or if you were assaulted by an intimate partner. Many communities have domestic violence shelters that can provide safe and confidential shelter free of charge to those in need of protection as well as their children.
- **Receive advocacy help.** Rape crisis centers train staff and/or volunteers to help a sexual assault victim through the medical or legal process after a sexual assault. Advocates may also be available through the prosecutor's office. If you choose to do so, you may have an advocate with you during your sexual assault medical examination or during any court proceedings that result from the assault. This person is familiar with the procedures you are undergoing and will provide emotional support to you during the process.
- **Seek counseling.** This is an option for victims and their families through rape crisis centers. Counselors may be psychologists, clinical social workers, licensed professional counselors, or psychiatric nurses. Counselors can help victims look at the assault in a new way that accelerates the healing process and can provide emotional support during that process. Counselors treat each case with the strictest confidentiality. The victim does not have to report the crime to law enforcement in order to receive counseling.
- **Support groups** for victims of sexual assault can be helpful to victims regardless of whether they are also receiving individual counseling. These groups are generally offered at rape crisis centers. Members of the group have all experienced some kind of sexual assault and there is always a trained facilitator

to guide the discussion. All members of the groups agree not to reveal any information disclosed during the group, including the identity of other group members, outside the group. Knowing others who have been through similar experiences and feeling free to discuss the assault and your feelings can be very helpful in the recovery process. It is also encouraging to many recent victims to see the progress others eventually make in recovering from the assault.

Although most victims recover in time, some may continue to have reactions that interfere with resuming their normal life. If you have symptoms such as flashbacks of the assault, feelings of “unreality,” a continued inability to trust others, prolonged feelings of depression, or increasing use of alcohol or other drugs, you should see a mental health professional, such as a counselor, psychologist, or psychiatrist. There are many kinds of treatment available. Sometimes recognizing when you need help shows the greatest strength.

WHO PAYS?

Most services provided through rape crisis centers are available free of charge to the victim. A counseling agency may have a sliding scale fee based on the victim’s income. Private insurance, Medicaid, or Medicare may also cover the cost of counseling services. The Crime Victims’ Compensation Program may be able to pay counseling expenses for victims who report the crime (see the section below for details). If you are unable to find affordable counseling, please contact a local rape crisis center, 1-800-656-HOPE or 1-877-7MOCASA.

CRIME VICTIMS’ COMPENSATION

The State of Missouri has a fund to assist persons who have suffered physical or psychological injuries as a result of a violent crime. The Division of Workers’ Compensation is responsible for the administration of the Missouri Crime Victims’ Compensation Law (Chapter 595 RSMo and 8 CSR50-6.010).

Eligibility requirements (for Missouri Crime Victims' Compensation only) include:

1. The crime must have occurred in Missouri or the victim must be a Missouri resident injured in a state without a comparable compensation program; or a Missouri resident injured by an act of terrorism committed outside of the United States.
2. The incident must have been reported to the proper law enforcement agency within 48 hours of the incident or with minor victims, within 48 hours of the discovery of the incident unless there is good cause.
3. The victim or claimant must cooperate with the law enforcement agency and prosecutor during the investigation and prosecution.
4. The application must be filed within two (2) years of the incident with the claimant's signature notarized.
5. The victim shall not have two (2) felony convictions within the past 10 years of which one or both involves illegal drugs or violence.

AVAILABLE BENEFITS

A maximum of \$15,000 may be awarded on eligible claims. Benefits for funerals, medical and counseling expenses and lost wages or support are included in the \$15,000. The awards are broken down as follows:

- Up to \$5,000 for funeral expenses;
- Up to \$2,500 for counseling treatment; and
- Up to \$200 per week for lost wages or support.

All awards are subject to a \$50 deductible unless the claimant is 65 or older.

If you wish to file a claim, applications may be obtained from:

Crime Victims' Compensation
P.O. Box 58
Jefferson City, Missouri 65102-0058
1-800-347-6881

Note: The above information is for Missouri Crime Victims' Compensation only. Most other services described in this booklet do not have these eligibility requirements.

INFORMATION FOR FAMILY AND FRIENDS

Sexual assault is one of the most difficult traumas that a person can experience. Victims react differently, but a few guidelines in dealing with the recovery are:

- Do not blame the victim in any way, regardless of the circumstances. Even if she was drinking, dressed in a way you consider inappropriate, or was in a setting that you feel did not show good judgment, always be aware that none of these factors gives any person the right to have sexual contact with another person against her will. While you are struggling to avoid blaming her, she is probably dealing with strong feelings of guilt. Any statement from you about her role in bringing about the assault will make her recovery more difficult.
- Respect her wishes regarding whether or not she will report the assault to law enforcement. You may express your opinion if she requests it, but be aware that she must make the ultimate decision. Although pursuing prosecution can be healing for the victim, the process is not always successful and can result in a prolonged preoccupation with the assault for everyone involved.
- Be available for support, but do not force her to talk. Find out about rape crisis centers and counseling options in your community, since it is sometimes difficult for the victim to share her pain with family and friends whom she knows it will distress.
- Sexual assault of a child under 18 is child abuse as well as sexual assault, and should be reported to the Division of Family Services. The Child Abuse Hotline number is 800-392-3738.

- Know that recovery takes time, no matter how much help and support the victim is receiving. She was violated in a fundamental way, and although she may become a stronger person as a result of her efforts to recover, she will never forget what has happened to her. By having patience with her personal timetable for recovery, you are helping her make the transition from victim to survivor.
- Sexual assault can traumatize not only the victim, but also the family and friends. Family members should also seek counseling if needed.

WHERE TO GO FOR HELP

RAPE CRISIS SEXUAL ASSAULT SERVICES

There are rape crisis centers located throughout Missouri. Most community-based centers provide free or low-cost confidential services for past and present victims of sexual assault including:

- 24-Hour Crisis Hotline
- Crisis Intervention (staff/trained volunteer supportive services)
- Hospital and Court Advocates
- Information and Referral
- Support Groups
- Counseling
- Assistance with Victims' Compensation Claims

For more information call your local rape crisis center listed in the phone directory or *1-800-656-HOPE* or *1-877-7MoCASA (877-766-2272)*.